

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 13, 2013**

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Jim Dabakis
Sen. Stuart C. Reid
Rep. Rich Cunningham
Rep. Richard Greenwood
Rep. Craig Hall
Rep. Gregory H. Hughes
Rep. Brian S. King
Rep. Merrill F. Nelson

Excused: Sen. Curtis S. Bramble
Sen. Mark B. Madsen
Sen. Ralph Okerlund
Rep. Curtis Oda
Rep. Jennifer M. Seelig

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Mr. Zackery King, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.
An audio recording of the meeting can be found at www.le.utah.gov.

1. Welcome and Approval of Minutes

Sen. Thatcher called the meeting to order at 8:09 a.m.

MOTION: Rep. Cunningham moved to approve the minutes for the February 5, 2013 meeting. The motion passed unanimously with Rep. Stratton and Rep. Hutchings absent for the vote.

2. State Auditor

Zackery King, Fiscal Analyst, discussed the State Auditor budget brief, noting the State Auditor has requested that their three programs, Administration, Auditing, and State and Local Government, be combined as one program. These programs are currently under one line item.

John Dougall, State Auditor, introduced Jon Johnson, Audit Director. Mr. Dougall stated the purpose of the Office is to provide independent audit assessments. They audit the State's Comprehensive Annual Financial Report (CAFR). Single audits are selected through a risk based process. Medicaid is audited every year. The Office provides oversight and training for local governments. He noted the importance

of state agencies monitoring entities who receive grants and funding through those agencies. Performance audits look at efficiency and effectiveness. Mr. Dougall stated that in Medicaid audits, they have the authority to look for fraud from both providers and individuals.

Mr. Dougall explained the changes they had started in the Office, including the organization structure, performance audit groups, how they work with local governments, improving technology, and client relationships. Coordination with the Legislative Auditor and performance audits were discussed. Performance audits can also provide information on whether a program is worthwhile.

3. Guardian ad Litem (GAL)

Gary Syphus, Fiscal Analyst, gave an overview of the "Courts: Guardian ad Litem" budget brief.

Craig Bunnell, Deputy Director, introduced Mary Lucero, CASA Administrator, and provided handouts to the committee. The Office of Guardian ad Litem represents the interest of children to the Courts. They oversee the Court Appointed Special Advocate (CASA) program and provide training certification for private attorneys working with children. The GAL oversight committee consists of Dr. Douglas Goldsmith, Executive Director, The Children's Center, Honorable Reginal Garff, retired Judge of the Utah Court of Appeals, John Pearce, Counsel to Governor Herbert, Louise Knauer, Family Lawyer, and Jini Roby, Professor, BYU School of Social Work. Mr. Bunnell discussed the clients they serve and client loads.

Mr. Bunnell reported that House Bill 357 from the 2012 General Legislative Session had some unintended consequences that have made it difficult for protective orders and children from indigent families in District Court. Senate Bill 49, in the current session, is meant to resolve the problem until July 1, 2013, when House Bill 357 goes into effect. Mr. Bunnell discussed their funding requests for FY 2014. He stated that lack of salary parity makes it difficult to recruit and retain attorneys, and hard on the children who have constant change in their lives.

Building Block Requests:

- 1) \$185,100 for 1 FTE GAL and 1 support staff for the 8th District
- 2) \$1,300,000 Salary Parity Increases for GAL Attorneys
- 3) \$55,000 for 1 FTE CASA Coordinator

Mary Lucero spoke about the CASA program. CASA trains volunteers who work with GAL attorneys in behalf of a child. The volunteer is able to spend more time with the child, works with a child through the length of the case, and provides a great deal of information to help the GAL attorneys and the courts provide the best outcome for the child. The CASA program has grown by 188% in the last year and is a great cost benefit to the state. The CASA volunteers who were in the audience were asked to stand and be recognized.

Mr. Bunnell clarified that the request for CASA Coordinator funding would replace funding from Federal grants that are no longer available. The GAL Office and many others are always looking for preventative services to help children.

Rep. Hutchings said that a Commission on Criminal and Juvenile Justice study showed that one effective preventive measure is for each child to have a mature and consistent adult mentor.

Mr. Bunnell stated that Utah has one of the lowest levels of foster care. In-home services are more expensive, but have great success.

Sen. Thatcher relinquished the Chair to Rep. Hutchings.

In response to committee questions, Mr. Bunnell stated that they would like GAL attorneys to have salary parity with other state attorneys and that the primary reason attorneys leave is for higher compensation. He also acknowledged that foster care placement for children with special circumstances could be handled better.

Rep. Hutchings requested information that would show that GAL funding was being used in an efficient manner.

Ms. Lucero stated that CASA volunteers donated over \$500,000 in donated hours, but the level of CASA volunteers is still much lower than needed.

4. Department of Public Safety (DPS)

Mr. Syphus introduced the budget briefs for the Department of Public Safety, including 1) Programs and Operations, 2) Emergency Management, 3) Driver License, 4) Highway Safety, 5) Disaster Management, and 6) DNA Specimen Account. Analyst recommendations are located on the front page of the briefs. "Performance Data" and "Restricted Fund Building Blocks" issue briefs were also provided to the committee. Department Building Block requests are highlighted in green on the Restricted Fund Building Block issue brief. Should funds become available, the Analyst recommends funding for the costs associated with immigration bills passed in the 2011 General Session.

Lance Davenport, Commissioner, Department of Public Safety, introduced Joe Brown, Director, Administrative Services. The following DPS Directors introduced themselves to the committee: Jeff Carr, State Bureau of Investigation, Jay Henry, State Crime Lab, Alice Moffat, Bureau of Criminal Identification, Coy Porter, State Fire Marshall, Dan Fuhr, Utah Highway Patrol, Nannette Rolfe, Driver License, Kris Hamlet, Emergency Management, Scott Stephenson, Peace Officer Standards and Training (POST), and Dave Beach, Highway Safety. Mr. Davenport commended the staff for their work and expressed appreciation to the committee for the support and funding received to accomplish their mission of maintaining a safe and secure environment.

Colonel Keith Squires, Deputy Commissioner, spoke about how the Department supports local agencies, often behind the scenes. He said that the Division of Emergency Management has been very reliant on Federal funds from the Chemical Stockpile Emergency Preparedness Program (CSEPP). That program has been in place for over 23 years and has now ended.

Emergency and Disaster Management

Kris Hamlet, Deputy Director, Division of Emergency Management (DEM), said the CSEPP program has

come to a successful conclusion, and that Federal CSEPP funding has also helped the state build its emergency management capabilities. In anticipation of the program concluding, DEM has eliminated non essential items, reduced its budget by \$950,000 and eliminated nine personnel positions. The Department is requesting \$430,000 to replace lost Federal funding to continue current capabilities. The state DEM has been accredited by the National Emergency Management Association.

Rep. Hutchings relinquished the Chair to Sen. Thatcher.

Mr. Hamlet spoke about Disaster Recovery funds. These funds are used to provide support to local jurisdictions in case of disaster, such as flooding and wind storms. The Department is requesting non-lapsing authority.

Col. Squires explained the important role of the State Crime Lab in supporting local law enforcement with a high level of expertise and training.

State Crime Lab

Jay Henry, Director, State Crime Lab, reported that with funding from the previous year, they have hired and trained two chemists to work on spice and bath salts compounds. They are developing a portable rapid screening test for police. They have also hired an additional firearms and tool mark examiner and they are making progress on the backlog of work and shortening turnaround time. Mr. Henry discussed two handouts provided to the committee that illustrate the increase in DNA cases and number of items tested and an increase in the backlog of pending cases. The Department is requesting funding for additional DNA scientists, DNA supplies, and an additional computer forensics position.

Rep. Hutchings requested input on the best way for collecting, processing and storing DNA samples.

5. Unfinished Business and Adjourn

MOTION: Rep. Hall moved to adjourn the meeting. The motion passed unanimously with Rep. Hughes and Rep. King absent for the vote.

Sen. Thatcher adjourned the meeting at 9:50 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair